

PATENT

Atty Docket No.: 10018003-1

App. Ser. No.: 10/044,558

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1, 23, and 26 have been amended herein. Claims 1-3, 5-17, 20, and 22-26 are pending of which claims 1, 23, and 26 are independent.

Claims 1-3, 6, and 23-26 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated over Lee et al. (5,583,659) ("Lee").

Claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lee in view of Kodaira et al. (6,868,183) ("Kodaira").

Claims 8, 10, and 15-17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lee in view of Hashimoto et al (6,987,045) (Hashimoto).

These rejections are respectfully traversed for the reasons stated below.

Allowable Subject Matter

It is noted with appreciation that claims 7, 9, 11-14, 20, and 22 were objected to as being dependent up on a rejected base claim, but allowable if rewritten in independent form.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221

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USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

The Office Action sets forth a rejection of claims 1-3, 6, and 23-26 under 35 U.S.C. §102(b) as allegedly being anticipated by Lee. This rejection is respectfully traversed because Lee fails to disclose all the features of independent claims 1, 23, and 26, and the claims that depend therefrom.

Lee fails to teach "determining whether the pixels having connectivity with pixel (i,j) are edge pixels or non-edge pixels," as recited in independent claims 1, 23, and 26. Connectivity is described in the originally filed specification in paragraph 31 and illustrated in Figure 3. In contrast to this claimed feature, Lee discloses classifying only the center pixel (i,j) as edge or non-edge. Lee then repeats this process for other center pixels (i,j). Therefore, Lee fails to teach determining if pixels having connectivity to pixel (i,j) are edge pixels or non-edge pixels.

In fact, Lee fails to teach "classifying a plurality of individual pixels within a mask within the image as either edge or non-edge," as recited in independent claims 1, 23, and 26. As set forth above, Lee discloses classifying the center pixel (i,j) of a mask and then classifying the center pixel (i,j) of another mask. Lee does not teach that multiple pixels

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within the same mask are classified as either edge or non-edge. Therefore, Lee fails to teach classifying a plurality of individual pixels within a mask.

Lee also fails to teach "finding an average value of only edge pixels having connectivity with pixel (i,j), in response to determining that pixel (i,j) is an edge pixel or an average value of only non-edge pixels having connectivity with pixel (i,j) in response to determining that pixel (i,j) is a non-edge pixel," as recited in independent claims 1, 23, and 26. In contrast to the claimed feature, Lee discloses averaging all pixels within a mask. Lee does not teach averaging either only edge pixels or only non-edge pixels based on the type of pixel that the center pixel is. That is, where the prior art averages every pixel within a mask, the claims recite averaging only a particular subset of pixels, i.e. edge or non-edge.

Accordingly, because the prior art of record fails to teach or suggest the elements of independent claims 1, 23, and 26, withdrawal of this rejection and allowance of the claims is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Kodaira.

Lee and Kodaira, taken singly or in combination, fail to teach or suggest the elements of independent claim 1, from which claim 5 depends, for the reasons set forth above. Accordingly, claim 5 is allowable at least by virtue of its dependence on claim 1 and withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 8, 10, and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Hashimoto.

Lee and Hashimoto, taken singly or in combination, fail to teach or suggest the elements of independent claim 1, from which claims 8, 10, and 15-17 depend, for the reasons set forth above. Accordingly, claims 8, 10, and 15-17 are allowable at least by virtue of their dependence on claim 1 and withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified

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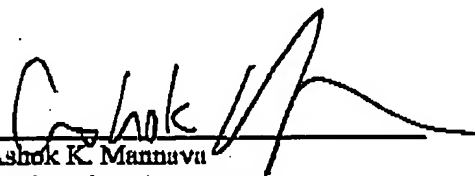
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application, please contact the undersigned at the telephone number listed below. Please
grant any required extensions of time and charge any fees due in connection with this request
to deposit account no. 08-2025.

Respectfully submitted,

Dated: March 20, 2007

By


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